

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSEPH A. ROMERO,

Petitioner,

vs.

Civ. No. 97-137 MV/LCS

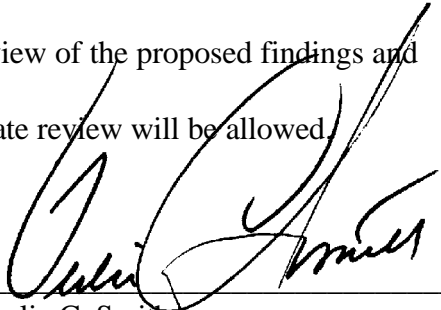
TIM LeMASTER, Warden,

Respondent.

**SUPPLEMENT TO MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

On December 3, 1997, the Court filed Magistrate Judge's Proposed Findings and Recommended Disposition (PFD) in this matter. That PFD recommended dismissing with prejudice the Petitioner's state claims and retaining only the due process and *ex post facto* claims for review on the merits. On December 17, 1997 and December 22, 1997, respectively, the Petitioner filed objections to the PFD as did the Respondent. As a result of those objections, I make the following clarification to the previous PFD: I recommend retaining the Petitioner's claims that (1) he did not receive a due process hearing when the Respondent denied him good time credits; (2) Petitioner was denied due process when his good time credits were arbitrarily denied; and (3) the prohibition against the application of *ex post facto* law was violated when the Respondent applied the good time statute in denying the Petitioner good time credits. **See** Petition for Writ of Certiorari to the New Mexico Court of Appeals, Ex. F at 1, 3-4 (attached to Answer).

Timely objections to the foregoing may be made pursuant to 28 U.S.C. §636(b)(1)(C). Within ten days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to §636(b)(1)(C), file written objections to such proposed findings and recommendations. A party must file any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and recommendations. If no objections are filed, no appellate review will be allowed.



Leslie C. Smith
UNITED STATES MAGISTRATE JUDGE